THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22038 OF 2006

DATED 01st NOVEMBER, 2006

BETWEEN

Smt Budala Alisamma

… Petitioner

and

The Mandal Revenue Officer, Vijayawada, Krishna District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22038 OF 2006

ORDER:

The petitioner herein gave a representation to the second respondent requesting to evict one Chalapathi Rao (not a party to this writ petition) from the land bearing plot No.1 in Block No.1, N.T.S.No.9/1, Prizerpet, Chittinagar, Vijayawada, where she raised asbestos roof shed and let out to Chalapathi Rao, who started denying the title of the petitioner. Alleging that second respondent did not initiate any enquiry into the same, present writ petition is filed.

The petitioner has already filed a suit being O.S.No.626 of 1999 on the file of the Court of the I Additional Junior Civil Judge, Vijayawada, which was dismissed. The petitioner then filed appeal before the appellate Court, which is pending. Even while the same is pending, the petitioner approached the second respondent.

Learned counsel for the petitioner submits that even though the civil matter is pending before the Courts, nothing prevents the second respondent to enquire into the complaint made by the petitioner and evict Chalapathi Rao. This Court is not able to countenance the submission. Admittedly, the petitioner was assigned/allotted land by Municipal Corporation of Vijayawada, where she raised asbestos roof shed. She herself let out the tenant and unsuccessfully filed a suit before the civil Court, against which appeal is pending. Therefore, revenue officials cannot interfere at this stage.

The writ petition is misconceived and is accordingly dismissed. No costs.

(V.V.S.RAO,J)

01.11.2006.
pln